

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Civil Minutes

Date: January 19, 2023

Judge: Hon. James Donato

Time: 55 Minutes

Case No. **3:20-cv-08570-JD**

Case Name **Klein et al v. Meta Platforms, Inc.**

Attorneys for Plaintiffs: Yavar Bathaee, Brian Dunne, Shana Scarlett, Brian Clark, Edward Grauman, Amanda Lawrence, Kevin Teruya, Brantley Pepperman, Claire Hausman, and Adam Wolfson

Attorneys for Defendant: Sonal Mehta, David Gringer, and Kevin Horvitz

Attorney for Non-Party Apple: Karen Lent

Court Reporter: Ana Dub

Deputy Clerk: Lisa Clark

PROCEEDINGS

Status Conference -- Held

NOTES AND ORDERS

The motion to substitute Kevin Teruya as interim co-lead consumer class counsel, Dkt. No. 381, is denied. The record indicates that the consumer class counsel arrangement has become dysfunctional and not in the best interests of the putative class. Consequently, the Court invites applications for appointment as interim lead consumer class counsel by all interested attorneys, irrespective of whether they have been involved in the litigation to date. The applications are due by February 3, 2023, and should reflect the Court's guidance in *In re Robinhood Outage Litigation*, No. 3:20-cv-01626-JD, Dkt. No. 59 at 3, particularly with respect to diversity in class counsel. Pending further order, current interim counsel will continue to serve in their roles.

For the discovery disputes, Meta will provide plaintiffs with transcripts of depositions of current and former Meta employees who testified under oath within the last five years on relevant topics in the United States. The transcripts are limited to individuals plaintiffs identify in a list of witnesses they will provide to Meta by January 20, 2023. Meta will provide the transcripts at least 7 business days in advance of depositions here, and longer as is practicable.

By January 27, 2023, Meta and plaintiffs will exchange the names of the experts they will present at the tutorial on February 28, 2023.

For party and non-party depositions, the parties will meet and confer, in person to the extent possible, to work out a reasonable plan for overall deposition hours. If they cannot reach an agreement, they will file by February 3, 2023, a statement to that effect. Dueling proposals or arguments are not permitted unless requested by the Court.

For Dkt. No. 365, consumers will identify firms that would have entered or been more competitive in each alleged market for interrogatory no. 9. Meta's request is denied in all other respects.

For Dkt. No. 377, the parties will meet and confer to resolve this dispute as part of their meet and confer re deposition time.

For Dkt. No. 398, Apple will produce by February 24, 2023, documents about the App Tracking Transparency feature's origins, purpose, and strategies that mention Meta. Plaintiffs' request is denied in all other respects.

For Dkt. No. 406, Meta's request is denied.

Dkt. No. 409 is terminated at Meta's request.